



Congregational Chapel and Trust Property Deptford Act 1972

CHAPTER xiv

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ELIZABETH II



1972 CHAPTER xiv

An Act to authorise the London Congregational Union (Incorporated) to dispose of the Congregational Chapel and Trust Property in High Street Deptford in the London Borough of Lewisham free from restrictions; to authorise the erection of buildings thereon; and for other purposes. [12th June 1972]

WHEREAS—

(1) By an Indenture dated 5th January, 1704, the charity known as the Congregational Chapel and Trust Property was founded:

(2) There is belonging to or held in trust for the said charity a piece of land containing 10,455 square feet or thereabouts and having a frontage of 58 feet 6 inches or thereabouts to the east side of Deptford High Street together with the buildings erected thereon and known as or used in connection with the Deptford High Street Congregational Chapel (hereinafter respectively referred to as "the scheduled land" and "the chapel"):

(3) By a scheme made on 30th July, 1943, by the Board of Charity Commissioners for England and Wales under the Charitable Trusts Acts 1853 to 1939 the scheduled land was

vested in the body corporate called the London Congregational Union (Incorporated) (hereinafter referred to as "the Trustees") and the Trustees were entrusted with the administration and management thereof:

(4) There have been no burials in the scheduled land since the year 1857 and owing to the movement of population and other causes the chapel has ceased to serve any local need. It was last used for public worship on Sunday, 29th June, 1969, since when it has been closed:

(5) It is expedient that the scheduled land should be freed from all restrictions which may affect the same by reason of any part thereof being a disused burial ground and that the Trustees and their successors in title be empowered to use, deal with or dispose of the scheduled land or any part thereof for building or for any purpose whatsoever freed from all restrictions as aforesaid:

(6) It is expedient that the provisions contained in this Act with respect to the removal from the scheduled land of any human remains interred therein should be enacted:

(7) It is expedient that the other provisions contained in this Act should be enacted:

(8) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Congregational Chapel and Trust Property Deptford Act 1972.

Interpretation.

2.—(1) In this Act unless the context otherwise requires—

"borough" means the London Borough of Lewisham;

"signed plan" means the plan signed in triplicate by the Right Honourable the Earl of Listowel, P.C., G.C.M.G., the chairman of the committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office of the House of Commons; and

(c) the office of the Trustees.

“ scheduled land ” means the land described in the Schedule to this Act and edged red on the signed plan;

“ Trustees ” means The London Congregational Union (Incorporated).

(2) If there be any discrepancy between the Schedule to this Act and the signed plan the signed plan shall prevail.

3. As from the passing of this Act the scheduled land shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing thereof attached thereto by reason of the scheduled land or any part thereof being a disused burial ground and the provisions of the Disused Burial Grounds Act 1884 shall cease to apply to the scheduled land:

Discharge of trusts and restrictions affecting scheduled land and saving for private rights.
1884 c. 72.

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the scheduled land or any part thereof which attached thereto immediately before the passing of this Act.

4. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the scheduled land or any part thereof for building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of burial of human remains.

Power to use scheduled land for building or other purposes.

5.—(1) Before any person erects or causes to be erected any building on the scheduled land or uses the scheduled land or causes the same to be used for any purpose other than as a burial ground, the Trustees shall remove, or cause to be removed, therefrom the remains of all deceased persons interred therein.

Removal of human remains from scheduled land.

(2) Before proceeding to remove any such remains the Trustees shall give notice of their intention so to do by publishing a notice once in each of two successive weeks in a newspaper circulating in the borough, with an interval between each publication of not less than six days, and shall display a like notice in a conspicuous place on the scheduled land and such notice shall have embodied in it the substance of subsections (3), (4), (5), (6), (7), (8) and (9) of this section.

(3) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in the scheduled land may give notice in writing to the Trustees of his intention to undertake the removal of such remains and

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thereupon he shall be at liberty within two months from the date of such last-mentioned notice, to cause such remains to be removed to and reinterred in any other burial ground or cemetery in which burials may legally take place (but in the case of a churchyard only with the consent of the incumbent of the benefice concerned) or to be removed to and cremated in any crematorium.

(4) If any person giving notice to the Trustees under subsection (3) of this section fails to satisfy the Trustees that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the Bromley County Court, who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(5) The expenses of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave the sum of fifty pounds) shall be defrayed by the Trustees such sum to be apportioned if necessary equally according to the number of deceased persons whose remains are in the grave.

(6) If within the aforesaid period of two months after the first publication of the notice mentioned in subsection (2) of this section no notice shall have been given to the Trustees under subsection (3) of this section in respect of the remains in any grave, or if after such last-mentioned notice has been given the person giving it or, as the case may be, the person specified in any order made under subsection (4) of this section fails to comply with a provision of this section, the Trustees may remove the remains of the deceased person and cause them to be reinterred in such other burial ground or cemetery in which burials may legally take place or cremated in such crematorium as the Trustees think suitable for the purpose but, in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall be required.

(7) Upon any removal of remains from any part of the scheduled land, the Trustees shall deposit with the Registrar General a certificate of removal and reinterment or cremation giving the dates of removal and reinterment or cremation respectively, identifying the place from which the remains were removed and the place in which they were reinterred or cremated and showing the particulars of each removal separately.

(8) Any tombstone relating to the remains of any deceased person removed under this section shall, at the expense of the Trustees be removed and re-erected at the place of reinterment or cremation of such remains, or at such place as the said county court may direct on the application (if any) of such personal representative or relative as aforesaid or, failing such application,

on the application of the Trustees and the Trustees shall cause a record to be made of each tombstone taken from the scheduled land under this section containing—

- (a) a copy of the inscription on it; and
- (b) if it is intended to preserve the tombstone a statement naming the place to which it has been taken;

and shall deposit a copy of the record with the Registrar General:

Provided that in the case of a tombstone in respect of which no application is made by such personal representative or relative as aforesaid it shall not be necessary to re-erect the tombstone if the Trustees consider that, by reason of its ruinous condition, it is unsuitable for re-erection and any such tombstone may be disposed of in such manner as the Trustees may direct.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough.

6. Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session of Parliament held during the regnal years 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for
Town and
Country
Planning
Acts.
1971 c. 78.

7. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees.

Costs of Act.

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SCHEDULE

DESCRIPTION OF LAND REFERRED TO IN THE FOREGOING ACT

A piece of land containing 10,455 square feet or thereabouts and having a frontage of 58 feet 6 inches or thereabouts to the east side of High Street, Deptford, in the London Borough of Lewisham, together with the buildings erected thereon and known as or used in connection with the Deptford High Street Congregational Chapel.

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